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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,386	07/14/2003	William Melo	78871/33367	5436
23380	7590	09/18/2006	EXAMINER	
TUCKER, ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1414			PARDO, THUY N	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,386

Applicant(s)

MELO ET AL.

Examiner

Thuy N. Pardo

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's Amendment filed on June 22, 2006 in response to Examiner's Office Action has been reviewed. Claims 1, 2, 9, 10, 14-18 have been amended.

1. Claims 1-18 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. For instance, the limitations of "historic usage information associates with a specified customer" and "calculate a desired product configuration in accordance with selected rules" specified in claims 1, 9 and 14 were not described in the Specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berke US Patent No. 6,629,092 in view of Post et al. (Hereinafter "Post") WO 98/02835.

As to claim 1, Berke teaches the invention substantially as claimed, comprising:

inputting the at least one of selected product and usage information about at least one product [input a mark and description of its associated products or service, ab; 28 of fig. 3; 62 of fig. 5; col. 5, lines 25-30];

retrieving selected information about at least one of selected product and usage information from a database [ab; 64 of fig. 5; 29 of fig. 3];

analyzing the at least one of selected product and usage information and the at least one of the selected product and usage information from the database to create a desired product configuration [col. 5, lines 31-56; 30 of fig. 3]; and

generating product acquisition data representative of a product acquisition a proposal based on the desired product configuration [38, 40, 41 of fig. 3; ab].; and

communicating the product acquisition data so as to be available to the specified customer so as to facilitate completion of a product order related thereto [fig. 4, 6; col. 3, lines 39-44; col. 5, lines 31-43].

However, Berke does not explicitly teach historic usage information of the selected product associated with a specified customer, and a calculation of a desired product

configuration in accordance with selected rules although it has the same functionality of searching in the Web for desired goods or services. Post teaches historic usage information of the selected product associated with a specified customer [data profile and the code of the product corresponds to a characteristic or preference in the individual profile [page 17, lines 18-25; page 20, lines 3-29; fig. 4] , and a calculation of a desired product configuration in accordance with selected rules [page 21, lines 1 to page 23, lines 2].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the features of Post to the system Berke as an essential means to achieve the search results which satisfy the user's criteria.

As to claims 9 and 14, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

As to claim 2, Berke and Post teach the invention substantially as claimed. Berke further teaches the at least one of selected product and usage information is one of the group consisting of a product detail, a product cost, a supply cost, a product type, and a product model [fig. 4; col. 6, lines 66 to col. 7, lines 13].

As to claim 3, Berke and Post teach the invention substantially as claimed. Berke further teaches selectively prompting the user to input information into predetermined fields [col. 5, lines 31-38; col. 6, lines 43-51].

As to claim 4, Berke and Post teach the invention substantially as claimed. Berke further teaches that the inputting a proposal summary further comprises entering a benefits summary [inherent in the system].

As to claim 5, Berke and Post teach the invention substantially as claimed. Berke further teaches that the solution configuration comprises pricing information [inherent in the system].

As to claim 6, Berke and Post teach the invention substantially as claimed. Berke further teaches selecting customer objectives [col. 2, lines 38-56].

As to claim 7, Berke and Post teach the invention substantially as claimed. Berke further teaches that the generating a proposal further comprises creating a table of contents [fig. 4].

As to claim 8, Berke and Post teach the invention substantially as claimed. Berke further teaches that accessing a secured Internet web page [Internet, col. 4, lines 24-39].

As to claims 10-13 and 15-18, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

4. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2165

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 13, 2006

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a checkmark-like flourish.

THUY N. PARDO
PRIMARY EXAMINER